



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

2 February 2009

Mr. Del Rapini  
Del Rapini Construction  
28555 Rollins Lake Road  
Colfax, CA 95713

**CERTIFIED MAIL**  
**7005 3110 0002 7905 6495**

**NOTICE OF VIOLATION, CONSTRUCTION STORM WATER GENERAL PERMIT NO. CAS000002, DEL RAPINI CONSTRUCTION INC., WID NO. 5S03C337319, AMADOR COUNTY**

On 24 January 2009, Central Valley Water Board staff inspected your construction project located close to the intersection of Ridge Road and Highway 88 in Amador County to evaluate compliance with the NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ (General Permit). You are responsible for complying with the General Permit.

During the inspection, Water Board staff noted significant storm water management issues at your property. Your site lacked an effective combination of erosion and sediment control BMPs; the drain inlets were not adequately protected, and sediment-laden storm water was discharging from your site. Storm water from the site ultimately discharges onto Jackson Creek.

You are in violation of Section A.6 of the General Permit which requires that, *"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season."* It is the rainy season, and your construction site does not have an effective combination of erosion and sediment control BMPs (see inspection photographs).

The discharge of sediment-laden water from your site is a violation of Discharge Prohibition A.3 of the General Permit, which states, *"Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance."* Sediment-laden storm water from your construction site threatened to cause a condition of pollution and/or nuisance in Jackson Creek, therefore, is a violation of Prohibition A. 3. (See photographs 8, 15, 23-25).

## Response

In response to this Notice of Violation, You must immediately do the following:

- Immediately install and maintain BMPs throughout the project
- Ensure that all BMPs installed on the construction site meet the Best Conventional Pollutant Control Technology/ Best Available Technology Economically Achievable (BAT/ BCT) standard required by the General Permit.

**California Environmental Protection Agency**

In order to demonstrate compliance with the General Permit, we request that you submit the following to the Regional Board by **16 February 2009**:

- A written explanation of how the BMPs will be installed and maintained throughout the construction site.
- An updated SWPPP map showing all of the BMPs installed on the project.
- A copy of the Storm Water Pollution Prevention Plan (SWPPP).
- All inspection reports from 10/15/08 to present

Send the information to:

Attn: Richard Muhl  
Central Valley Regional Water Board  
11020 Sun Center Drive # 200  
Rancho Cordova, CA 95670

This violation of the General Permit has exposed you to possible further enforcement action. Under Section 13385 of the CWC, the Regional Water Board can impose administrative civil liabilities for violations of CWC Section 13376. The maximum administrative civil liability for each day of violation is ten thousand dollars (\$10,000) and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons.

If you have any questions contact Rich Muhl at (916) 464-4749.



SUE MCCONNELL

Chief, Storm Water Compliance and Enforcement Unit

Enclosures: Water Board Inspection reports  
Site photographs

cc w/out enc: Eugene Bromley, U.S. EPA, Region IX, San Francisco  
Larry Peterson, Amador County Director of Public Works, Jackson  
Bobby Wurm, Amador County Public Works, Jackson

# Storm Water Construction General Permit Inspection Report

RWQCB - Region 5S

WDID # 5S03C337319

County: Amador

Del Rapini Const Inc

Owner's Name

Pine Grove Bluffs

Name of Development

28555 Rollins Lake Rd

Owner's Street Address

Developer Contact and Phone NC #

Colfax, CA 95713

Owner's City, State and Zip code

Ridge Road & Hwy 88

Site Address

Del Rapini 530-389-8002

Owner's contact person and phone #

Pine Grove, CA 95665

Site City, State, and Zip Code

Rich Muhl

Inspection Conducted By

1/24/2009

Date of Inspection

Time of Inspection

Dry Hot Clear ☒ Overcast Cold Raining

Weather Conditions During Inspection (circle all that apply)

Status of Construction

Type of Inspection:

Inspection in Conjunction with Other Permit

Permit Type: Construction

Termination Request

☒ Compliance Inspection

Outreach Inspection

Discharger/Facility Request

Follow-up to previous inspection \*\* Date of Previous Inspection

Other

Storm Water Samples Collected?

Yes

No ☒

Non-Storm Water Discharge or Evidence  
of Non-Storm Water Discharge Observed?

Yes

No ☒

Separate Inspection Report Written?

Yes

No ☒

Updated SWPPP on Site?

Yes ☒

No

## Control Measures Checklist:

Yes - Evident on inspection No - Non evident on inspection

### Areas of Concern:

Evidence of erosion?

Yes

No

(hills, gullies, slips)

Dirt/sediment tracked in streets?

Evidence of dewatering?

Other

The SWPPP was not reviewed

Inspection Summary (complete only if no separate inspection report is written):

During the site inspection staff observed significant storm water management problems on the construction site. These problems included the general lack of an effective combination of sediment and erosion control BMPs in many areas of the project, poorly protected drain inlets and turbid storm water discharge from the construction site at two locations (see inspection photographs). The inspection was conducted early in morning after a significant rain event which occurred the night before the inspection.

Signature

Date Entered:

Entered By:

Senior Review:

SAM

1/24/09



**Figure 1:** One of the many areas where soil is slumping on the steep slopes on the northern side of the project



**Figure 2:** Overview of one portion of the project



**Figure 3:** Overview of another portion of the project



**Figure 4:** Lack of an effective combination of erosion and sediment control BMPs



**Figure 5:** Lack of effective BMPs on the slopes and lack of BMPs in a defined drainage channel



**Figure 6:** Lack of an effective combination of erosion and sediment control BMPs

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**Figure 7:** Lack of an effective combination of erosion and sediment control BMPs



**Figure 8:** Partially protected slope Note: the turbid discharge leaving the site which flows directly under the roadway and into the creek



**Figure 9:** Poorly protected slopes



**Figure 10:** Lack of an effective combination of erosion and sediment control BMPs on a portion of the project



**Figure 11:** Lack of an effective combination of erosion and sediment control BMPs on another portion of the project



**Figure 12:** Lack of an effective combination of erosion and sediment control BMPs on still another portion of the project

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**Figure 13:** Inadequate BMPs at a location where storm water flows from the site into a down drain which directly flows under the roadway and into the creek



**Figure 14:** Inadequate BMPs at another one of the discharge areas



**Figure 15:** Storm water discharge from the site entering the culvert which flows under the highway and directly into the creek



**Figure 16:** Storm water flowing on the site along Ridge Road



**Figure 17:** Poorly protected drain inlet along Ridge Road



**Figure 18:** Another view of the poorly protected drain inlet

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**Figure 19:** Another view of the same area



**Figure 20:** Ponded storm water around another drain inlet



**Figure 21:** Still another view of the same area



**Figure 22:** Lack of an effective combination of erosion and sediment control BMPs on another portion of the project



**Figure 23:** Storm water from the site mixing in the creek at one of the discharge locations Note: the storm water from the site is on the left hand side of the photograph



**Figure 24:** Storm water from the site mixing in the creek at another discharge location Note: the storm water from the site is on the left hand side of the photograph

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**Figure 25:** Another view of the same area